

#5070

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*Attorneys for Specially Appearing  
Defendant Feras Antoon*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

K.A.,

Plaintiff,

v.

MINDGEEK S.A.R.L. a foreign entity;  
MG FREESITES, LTD., a foreign entity;  
MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-4786-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS RELATED  
TO OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 7, 2024  
Trial Date: not set

#5071

N.L.,

Plaintiff,

v.

MINDGEEK S.A.R.L. a foreign entity;  
MG FREESITES, LTD., a foreign entity;  
MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-04788-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS RELATED  
TO OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 7, 2024  
Trial Date: not set

L.T.,

Plaintiff,

v.

MINDGEEK S.A.R.L. a foreign entity;  
MG FREESITES, LTD., a foreign entity;  
MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-04791-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS RELATED  
TO OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 7, 2024  
Trial Date: not set

DECLARATION OF JASON BROWN IN SUPPORT OF DEFENDANT  
BERGMAIR'S APPLICATION FOR LEAVE TO FILE UNDER SEAL

1 T.C.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

13 Defendants.

14 X.N.,

15 Plaintiff,

16 v.

17 MINDGEEK S.A.R.L. a foreign entity;  
18 MG FREESITES, LTD., a foreign entity;  
19 MINDGEEK USA INCORPORATED, a  
20 Delaware corporation; MG PREMIUM  
21 LTD, a foreign entity; MG GLOBAL  
22 ENTERTAINMENT INC., a Delaware  
23 corporation; 9219-1568 QUEBEC, INC.,  
24 foreign entity; BERND BERGMAIR, a  
25 foreign individual; FERAS ANTOON, a  
26 foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

27 Defendants.

28

Case No. 2:24-cv-04795-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S  
APPLICATION FOR LEAVE  
TO FILE UNDER SEAL  
MATERIALS RELATED TO  
OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 7, 2024  
Trial Date: not set

Case No. 2:24-cv-04800-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S  
APPLICATION FOR LEAVE  
TO FILE UNDER SEAL  
MATERIALS RELATED TO  
OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 7, 2024  
Trial Date: not set

1 N.Y.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
13 foreign individual; DAVID TASSILLO, a  
14 foreign individual; VISA INC., a Delaware  
15 corporation; REDWOOD CAPITAL  
16 MANAGEMENT, LLC, a Delaware  
17 limited liability company; REDWOOD  
18 DOE FUNDS 1-7; COLBECK CAPITAL  
19 MANAGEMENT, LLC, a Delaware  
20 limited liability company; COLBECK  
21 DOE FUNDS 1-3,

22 Defendants.

23 J.C.,

24 Plaintiff,

25 v.

26 MINDGEEK S.A.R.L. a foreign entity;  
27 MG FREESITES, LTD., a foreign entity;  
28 MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-4801-WLH-ADS

**DECLARATION OF JASON BROWN IN SUPPORT OF DEFENDANT BERND BERGMAIR'S APPLICATION FOR LEAVE TO FILE UNDER SEAL MATERIALS RELATED TO OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025

Hearing Time: 1:30 p.m.

Courtroom: 9B

Judge: Hon. Wesley Hsu

Complaint Filed: June 7, 2024

Trial Date: not set

Case No. 2:24-cv-04971-WLH-ADS

**DECLARATION OF JASON BROWN IN SUPPORT OF DEFENDANT BERND BERGMAIR'S APPLICATION FOR LEAVE TO FILE UNDER SEAL MATERIALS RELATED TO OMNIBUS OPPOSITION**

Hearing Date: January 31, 2025

Hearing Time: 1:30 p.m.

Courtroom: 9B

Judge: Hon. Wesley Hsu

Complaint Filed: June 12, 2024

Trial Date: not set

1 W.L.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
13 foreign individual; DAVID TASSILLO, a  
14 foreign individual; VISA INC., a Delaware  
15 corporation; REDWOOD CAPITAL  
16 MANAGEMENT, LLC, a Delaware  
17 limited liability company; REDWOOD  
18 DOE FUNDS 1-7; COLBECK CAPITAL  
19 MANAGEMENT, LLC, a Delaware  
20 limited liability company; COLBECK  
21 DOE FUNDS 1-3,

22 Defendants.

23 C.S.,

24 Plaintiff,

25 v.

26 MINDGEEK S.A.R.L. a foreign entity;  
27 MG FREESITES, LTD., a foreign entity;  
28 MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-04977-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 13, 2024  
Trial Date: not set

Case No. 2:24-cv-04992-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 13, 2024  
Trial Date: not set



1 S.O.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
13 foreign individual; DAVID TASSILLO, a  
14 foreign individual; VISA INC., a Delaware  
15 corporation; REDWOOD CAPITAL  
16 MANAGEMENT, LLC, a Delaware  
17 limited liability company; REDWOOD  
18 DOE FUNDS 1-7; COLBECK CAPITAL  
19 MANAGEMENT, LLC, a Delaware  
20 limited liability company; COLBECK  
21 DOE FUNDS 1-3,

22 Defendants.

23 L.S.,

24 Plaintiff,

25 v.

26 MINDGEEK S.A.R.L. a foreign entity;  
27 MG FREESITES, LTD., a foreign entity;  
28 MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-04998-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 13, 2024  
Trial Date: not set

Case No. 2:24-cv-05026-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 14, 2024  
Trial Date: not set

1 W.P.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
13 foreign individual; DAVID TASSILLO, a  
14 foreign individual; VISA INC., a Delaware  
15 corporation; REDWOOD CAPITAL  
16 MANAGEMENT, LLC, a Delaware  
17 limited liability company; REDWOOD  
18 DOE FUNDS 1-7; COLBECK CAPITAL  
19 MANAGEMENT, LLC, a Delaware  
20 limited liability company; COLBECK  
21 DOE FUNDS 1-3,

22 Defendants.

23 A.K.,

24 Plaintiff,

25 v.

26 MINDGEEK S.A.R.L. a foreign entity;  
27 MG FREESITES, LTD., a foreign entity;  
28 MINDGEEK USA INCORPORATED, a  
Delaware corporation; MG PREMIUM  
LTD, a foreign entity; MG GLOBAL  
ENTERTAINMENT INC., a Delaware  
corporation; 9219-1568 QUEBEC, INC.,  
foreign entity; BERND BERGMAIR, a  
foreign individual; FERAS ANTOON, a  
foreign individual; DAVID TASSILLO, a  
foreign individual; VISA INC., a Delaware  
corporation; REDWOOD CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; REDWOOD  
DOE FUNDS 1-7; COLBECK CAPITAL  
MANAGEMENT, LLC, a Delaware  
limited liability company; COLBECK  
DOE FUNDS 1-3,

Defendants.

Case No. 2:24-cv-05185-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 20, 2024  
Trial Date: not set

Case No. 2:24-cv-05190-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 9B  
Judge: Hon. Wesley Hsu  
Complaint Filed: June 20, 2024  
Trial Date: not set

1 J.L.,

2 Plaintiff,

3 v.

4 MINDGEEK S.A.R.L. a foreign entity;  
5 MG FREESITES, LTD., a foreign entity;  
6 MINDGEEK USA INCORPORATED, a  
7 Delaware corporation; MG PREMIUM  
8 LTD, a foreign entity; MG GLOBAL  
9 ENTERTAINMENT INC., a Delaware  
10 corporation; 9219-1568 QUEBEC, INC.,  
11 foreign entity; BERND BERGMAIR, a  
12 foreign individual; FERAS ANTOON, a  
13 foreign individual; DAVID TASSILLO, a  
14 foreign individual; VISA INC., a Delaware  
15 corporation; REDWOOD CAPITAL  
16 MANAGEMENT, LLC, a Delaware  
17 limited liability company; REDWOOD  
18 MASTER FUND, LTD, a foreign  
19 entity; MANUEL 2018, LLC, a  
20 Delaware limited liability company;  
21 GINOGERUM, LLC, a Delaware  
22 limited liability company; WHITE  
23 HATHAWAY OPPORTUNITY, LLC,  
24 a Delaware limited liability company, CB  
25 MEDIA VENTURES LLC, a Delaware  
26 limited liability company; CB AGENCY  
27 SERVICES, LLC, a Delaware limited  
28 liability company; and CB  
PARTICIPATIONS SPV, LLC, a  
Delaware limited liability company,

Defendants.

Case No. 2:24-cv-07046-WLH-  
ADS

**DECLARATION OF JASON  
BROWN IN SUPPORT OF  
DEFENDANT BERND  
BERGMAIR'S APPLICATION  
FOR LEAVE TO FILE UNDER  
SEAL MATERIALS  
RELATED TO OMNIBUS  
OPPOSITION**

Hearing Date: January 31, 2025

Hearing Time: 1:30 p.m.

Courtroom: 9B

Judge: Hon. Wesley Hsu

Complaint Filed: August 20, 2024

Trial Date: not set



1  
2  
3  
4 I, Jason Brown, Esq., hereby state to the best of my personal knowledge and  
5 belief:

6 1. I am a partner at the law firm of Cohen & Gresser LLP, attorneys of  
7 record in the above-referenced actions for specially-appearing Defendant Feras  
8 Antoon. I have been granted permission by this Court to appear *pro hac vice* as  
9 counsel for Mr. Antoon in these actions.

10 **A. Confidential Material**

11 2. I submit this Declaration in support of the January 8, 2025  
12 Application for Leave to File Under Seal Material (ECF No. 117) (the  
13 “Application”) filed by Defendant Bernd Bergmair in *K.A. v. MindGeek S.a.r.l.*,  
14 Case No. 24-cv-4786-WLH-ADS, and applicable to the 13 additional related  
15 lawsuits before this court, *see* ECF No. 52, Ex. 1 (collectively “Plaintiffs”) which  
16 seeks permission to seal material previously designated as “Confidential” or  
17 “Highly Confidential” pursuant to the Amended Stipulated Protective Order (the  
18 “Protective Order”) entered by the Court on December 13, 2024, Dkt. 516, in the  
19 related case, *Fleites v. MindGeek S.a.r.l. et al.*, Case No. 21-cv-4920-WLH-ADS  
20 (the “Fleites Action”).

21 3. Mr. Antoon supports the Application to the extent it seeks leave to file  
22 under seal material that (a) Mr. Antoon produced in discovery in the Fleites Action  
23 and designated as “Confidential” or “Highly Confidential” pursuant to the  
24 Protective Order (together, the “Confidential Material”), or (b) has been referenced  
25 in Defendant Bergmair’s January 8, 2025 Reply in Support of Motion to Dismiss  
26 Plaintiff’s Complaint (the “Bergmair Reply”) (ECF No. 116).

27 4. Mr. Antoon further supports the Application to the extent it seeks  
28 leave to file under seal Confidential Material that was both referenced in the

1  
2 Bergmair Reply, and publicly filed on the docket in the form of a document  
3 containing redacted Confidential Material proposed to be filed under seal.  
4

5 5. The Confidential Material reflects confidential information  
6 concerning (a) Mr. Antoon’s personal investments and assets, including  
7 compensation paid for economic interests in MindGeek S.a.r.l.; and (b) MindGeek  
8 S.a.r.l.’s internal business strategy or practices, transactions, or corporate structure.

9 **B. Standard for Sealing**

10 6. Public access to judicial records may be “denied where court files  
11 might [ ] become a vehicle for improper purposes,” including to “gratify private  
12 spite or promote public scandal” or to “harm a litigant’s competitive standing.”  
13 *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978) (internal quotation  
14 marks omitted). And the common law right of access to judicial records may be  
15 overridden upon a showing of “sufficiently compelling reasons” to restrict access.  
16 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

17 7. A party seeking leave to seal confidential information in response to  
18 dispositive motions, like the Bergmair Reply, must “articulate [ ]compelling  
19 reasons supported by specific factual findings” that outweigh the public right of  
20 access. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.  
21 2006) (internal quotation marks omitted). Upon a showing of compelling reasons,  
22 the court must conscientiously balance the competing interests of the public and  
23 the party seeking leave to file under seal. *Id.* at 1179.

24 8. Courts have also found compelling reasons to seal records reflecting  
25 information concerning a company’s business strategy, business transactions, and  
26 corporate structure, the public disclosure of any of which could harm a party’s  
27 competitive standing. *See, e.g., Bold Ltd. v. Rocket Resume, Inc.*, No. 5:22-CV-  
28 01045 (BLF), 2024 WL 1329921, at \*2 (N.D. Cal. Mar. 27, 2024) (“Compelling  
reasons exist to seal confidential business information, including non-public

information about a company's business strategy, business transactions, corporate structure, and finances.").

**C. Conclusion**

9. The Bergmair Reply contains sensitive non-public information implicating either (a) Mr. Antoon's personal financial information or rights in connection with economic interest, or (b) the MindGeek Defendants' internal business strategy or practices, transactions, or corporate structure.

10. Accordingly, Mr. Antoon supports Defendant Bergmair's Application seeking leave to seal and/or redact this information from the public record as specified in the below chart.

Document	Material to be Sealed	Basis for Sealing
Defendant Bergmair's January 8, 2025 Reply in Support of Motion to Dismiss Plaintiff's Complaint (ECF No. 116)	Page 2, Lines 4-6; Page 6, Lines 8-10, 13-20 & n.9, 24-26; and Page 7, Lines 5-8.	Defendant MindGeek's business strategy or practices, transactions, and internal structure; and Mr. Antoon's personal financial information or rights in connection with this economic interest.

11. Mr. Antoon's request to seal is narrowly tailored. A less restrictive alternative to sealing is not sufficient because the entirety of the information sought to be sealed discloses the Confidential Material described above.

12. Accordingly, Mr. Antoon respectfully requests that the Court grant the Application.

13. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: January 13, 2025



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New York, New York 10022  
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Defendant Feras Antoon*